

Notice of Allowability

Application No.

09/522,743

Examiner

Scott L. Weaver

Applicant(s)

EYRE ET AL.

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to papers filed 3/28/2005.
2. ☒ The allowed claim(s) is/are 100-111, 126-130, 132, 139, 140, 145, 151-162, 176-180, 182, 186 and 187.
3. ☒ The drawings filed on 10 March 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 5/5/05
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

SCOTT L. WEAVER
PRIMARY EXAMINER

Art Unit 2645

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Peter F. Snell, Registration N. 52,235, Telephone No. (212) 935-3000, on 5/5/05.

The application has been amended as follows:

Claim 100 on (ln.1) -- Currently-- has been inserted prior to "amended".

Claim 126 on (ln.1) -- Currently-- has been inserted prior to "amended".

Claim 127 on (ln.1) -- Currently-- has been inserted prior to "amended".

Claim 128 on (ln.1) -- Currently-- has been inserted prior to "amended".

Claim 132 on (ln.1) -- Currently-- has been inserted prior to "amended".

Claim 145 on (ln.1) -- Currently-- has been inserted prior to "amended".

Claim 151 on (ln.1) -- Currently-- has been inserted prior to "amended".

Claim 152 on (ln.1) -- Currently-- has been inserted prior to "amended".

Claim 153 on (ln.1) -- Currently-- has been inserted prior to "amended".

Claim 155 on (ln.1) -- Currently-- has been inserted prior to "amended".

Claim 156 on (ln.1) -- Currently-- has been inserted prior to "amended".

Claim 157 on (ln.1) -- Currently-- has been inserted prior to "amended".

Claim 158 on (ln.1) -- Currently-- has been inserted prior to "amended".

Claim 159 on (ln.1) -- Currently-- has been inserted prior to "amended".

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Claim 160 on (ln.1) -- Currently-- has been inserted prior to “amended”.

Claim 176 on (ln.1) -- Currently-- has been inserted prior to “amended”.

Claim 177 on (ln.1) -- Currently-- has been inserted prior to “amended”.

Claim 178 on (ln.1) -- Currently-- has been inserted prior to “amended”.

Claim 182 on (ln.1) -- Currently-- has been inserted prior to “amended”.

2. The following is an examiner’s statement of reasons for allowance: The amendment filed 3/28/2005 has incorporated the previously indicated allowable subject matter into each independent claim, the reasons for allowing the claimed subject matter previously pointed in papers mailed 12/28/2004.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott L. Weaver whose telephone number is 571-272-7548. The examiner can normally be reached on Monday to Friday 9 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Fan S. Tsang can be reached on 571-272-7547. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



SCOTT L. WEAVER
PRIMARY EXAMINER

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